

CORPORATION OF THE TOWNSHIP OF McNAB/BRAESIDE

BY-LAW NO. 2024-92

Being a By-Law to adopt the Unreasonable Behaviour Policy of the Corporation of the Township of McNab/Braeside

WHEREAS the Municipal Act, 2001 confers broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 8 of the Municipal Act, 2001 as amended, provides that a municipality has the capacity, rights and powers of a natural person for the purpose of exercising its authority under this or any other Act.

THEREFORE BE IT RESOLVED THAT the Corporation of the Township of McNab/Braeside hereby enacts as follows:

1. **THAT** Council of the Corporation of the Township of McNab/Braeside hereby adopt the "Unreasonable Behaviour Policy" attached hereto and marked as Schedule "A" to this By-Law.
2. **THAT** this By-law shall come into full force and effect upon the passing thereof.

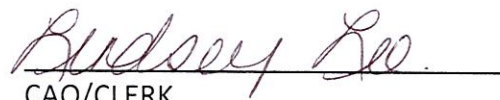
BE IT FURTHER ENACTED, that all By-Laws or parts thereof, and all or any resolutions of Council contrary thereto, or inconsistent herewith, be and the same are hereby repealed.

READ a first time this 17th day of December, 2024.

READ a second time this 17th day of December, 2024.

READ a third and final time and passed this 17th day of December, 2024.

Deputy 
MAYOR


CAO/CLERK

CORPORATION OF THE TOWNSHIP OF McNAB/BRAESIDE

BY-LAW NO. 2024-92

Schedule A
"Unreasonable Behaviour Policy"

Township of McNab/Braeside		
Policies and Standard Operating Procedures		
DEPARTMENT: General Administration		POLICY #:
POLICY: Unreasonable Behaviour Policy		
DATE: December 2024	REV. DATE:	PAGES Page 1 of 6

PURPOSE:

The Corporation of the Township of McNab/Braeside (the "**Township**") endeavors to provide exemplary service to all members of the public. The Township strives to address service requests and complaints equitably, comprehensively, and in a timely manner.

Unreasonable behaviour, including vexatious, frivolous and/or unreasonably persistent requests, may compromise the Township's ability to deliver good customer service in an equitable, efficient and effective manner. Where there is such unreasonable behaviour, the Township may need to place restrictions on a member of the public to address how they interact with the Township and its employees. The use of such limits will enable the Township to use its resources effectively and efficiently, while still maintaining a high level of customer service and responsiveness.

This policy will guide Township employees in identifying conduct that meets the criteria for being considered unreasonable behaviour and sets out the associated actions that may be taken to address such situations. The aims of this policy are to acknowledge that unreasonable behaviour needs to be addressed and to enable a process of dealing with members of the public in a consistent, fair and reasonable manner.

Immediate threats of violence in the workplace should be reported to the police and the procedures under the *Violence in the Workplace* policy followed.

DEFINITIONS:

In this procedure, the following terms have the following meanings:

"**Harassment**" means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

"**Township Representative**" means any individual acting as a representative of the Township, including employees, volunteers, and/or councillors.

"**Unreasonable Behaviour**" means behaviour that is reasonably likely to cause distress, disruption or irritation, without proper or justified cause, or that is causing an undue strain on Township resources.

Township of McNab/Braeside Policies and Standard Operating Procedures		
DEPARTMENT: General Administration		POLICY #:
POLICY: Unreasonable Behaviour Policy		
DATE: December 2024	REV. DATE:	PAGES Page 2 of 6

Unreasonable Behaviour may include, but is not limited to, the following:

- refusing to specify the grounds of a complaint;
- changing the basis of a complaint/request while it is in progress;
- denying or changing statements made at an earlier stage in a process;
- recording conversations or meetings without notice to, or consent of, other participants;
- submitting falsified documents;
- making excessive demands on the time and resources of Township Representatives with frequent or lengthy communications or by contacting several Township Representatives about the same matter;
- demanding immediate responses from Township Representatives;
- refusing to accept a decision or attempting to re-open matters already determined;
- repeatedly arguing points without new evidence;
- persistently approaching the Township about the same issue;
- Harassment of a Township Representative;
- using hostile, abusive or offensive language;
- submitting malicious complaints about Township Representatives;
- submitting requests with very high volume and frequency of correspondence;
- requesting information that has already been provided;
- making a request that would impose a significant burden on the Township in terms of expense and/or negatively impact the Township's ability to provide service to others;
- making a request with the intention of causing inconvenience, disruption or annoyance; and/or
- making a request that lacks a legitimate purpose or value.

Township of McNab/Braeside		
Policies and Standard Operating Procedures		
DEPARTMENT: General Administration		POLICY #:
POLICY: Unreasonable Behaviour Policy		
DATE: December 2024	REV. DATE:	PAGES Page 3 of 6

SCOPE:

This policy applies to members of the public in their interactions with Township Representatives. It applies at Township facilities/vehicles, Township-sponsored events/programs, and to oral and/or written communications.

Deciding whether a member of the public is engaging in Unreasonable Behaviour requires taking into account all the circumstances. There is no rigid test or criteria in deciding whether a member of the public is engaging in Unreasonable Behaviour. The key question is whether, objectively considered, the behaviour is reasonably likely to cause distress, disruption or irritation, without proper or justified cause, or the behaviour is causing an undue strain on Township resources.

The decision to classify someone's behaviour as Unreasonable Behaviour could have serious consequences for the individual, including restricting their access to Township services.

Unreasonable Behaviour will usually arise as a result of a course of conduct (i.e. more than one instance), but a single significant incident may qualify for steps to be taken under this policy.

PROCEDURE:

(a) Identifying and Reporting Unreasonable Behaviour

A Township Representative who believes that a member of the public is engaging in Unreasonable Behaviour, should report the matter. If the Township Representative is an employee or volunteer, the report should be made to their supervisor. If the Town Representative is not an employee or volunteer of the Township, the report should be made to the CAO/Clerk.

The report should include:

- supporting documentation relevant to the behaviour;
- a description of the history involving the member of the public relevant to the behaviour at issue;
- the number, and a summary, of any interactions relevant to the behaviour at issue;
- a description of the behaviour at issue;

Township of McNab/Braeside Policies and Standard Operating Procedures		
DEPARTMENT: General Administration		POLICY #:
POLICY: Unreasonable Behaviour Policy		
DATE: December 2024	REV. DATE:	PAGES Page 4 of 6

- a description of any steps that have been taken to attempt to address the behaviour at issue; and if the behaviour involves potential undue strain on Township resources, an estimate of the time and resources spent in dealing with the member of the public to the date of the report.

(b) Determination

A supervisor receiving a report of Unreasonable Behaviour will provide the report and any supporting documentation to the CAO/Clerk. The CAO/Clerk will review the report and supporting documentation and may investigate the behaviour further.

The CAO/Clerk will:

- determine whether or not the behaviour qualifies as Unreasonable Behaviour; and
- if the behaviour qualifies as Unreasonable Behaviour, whether it warrants action being taken.

If the CAO/Clerk determines that action should be taken to address Unreasonable Behaviour, the CAO/Clerk will:

- consult with relevant Township Representatives to determine appropriate restrictions to be applied, their duration, and a timeline for review and reassessment of the restrictions;
- prepare and deliver a notice of the restrictions to the member of the public, which will include the restrictions that are being applied and their duration, a summary of the reasons that the restrictions are being applied, the date for review and reassessment of the restrictions, and the way in which the member of the public may appeal the application of restrictions.

(c) Available Restrictions

When determining the restrictions to be applied, the CAO/Clerk will consider the individual circumstances and when necessary consult with Council. Examples of restrictions that may be applied include, but are not limited to, the following:

Township of McNab/Braeside Policies and Standard Operating Procedures		
DEPARTMENT: General Administration		POLICY #:
POLICY: Unreasonable Behaviour Policy		
DATE: December 2024	REV. DATE:	PAGES Page 5 of 6

- limiting the number of contacts that can be made with Township staff in a particular time period;
- limiting the times during which the member of the public may call Township staff;
- limiting the Township staff with whom the member of the public may communicate;
- restricting the form(s) of communication that the member of the public may use when communicating with Township staff;
- limiting the length of written communications (e.g. character or word limits);
- requiring any in-person communications to be recorded or conducted in the presence of a witness;
- requiring in-person communications to take place in designated areas and/or at designated times;
- requiring the member of the public to communicate through a third-party (e.g. lawyer, friend, support person, etc.)
- limiting the member of the public's use of Township services;
- restricting the member of the public's ability to attend at Township property/properties;
- disregarding communications that do not comply with restrictions set by the Township;
- issuing a notice of trespass; and/or
- such other restrictions as the CAO/Clerk and or Council may deem appropriate to address the Unreasonable Behaviour.

The CAO/Clerk will endeavor to apply restrictions that would be reasonably appropriate to address the particular Unreasonable Behaviour at issue while minimizing the impact on the individual's access to Township services. In no case shall an individual be deprived of access to critical or emergency Township services.

Township of McNab/Braeside Policies and Standard Operating Procedures		
DEPARTMENT: General Administration		POLICY #:
POLICY: Unreasonable Behaviour Policy		
DATE: December 2024	REV. DATE:	PAGES Page 6 of 6

(d) Review of Restrictions

In any case where restrictions are applied under this policy, a review date will be set. The review date will depend on the circumstances of the case and will typically be 1 month, 3 months, 6 months, or 12 months. The restrictions will be reviewed by the CAO/Clerk on or before the designated review date and will determine whether the restrictions need to be maintained, modified, or removed. The member of the public will be informed of the outcome of the review and, where restrictions are being maintained or modified, an explanation of the reasons for the decision.

(e) Appeal

A member of the public to whom restrictions are applied shall have the ability to appeal the restrictions (or maintained or modified restrictions) within fourteen (14) days of receiving notice of the restrictions (or maintained or modified restrictions). The member of the public must submit their appeal, in writing, together with any supporting documentation to the CAO/Clerk. The CAO/Clerk will review the appeal and supporting documentation and provide a summary to Township Council. Township Council will review the appeal and may direct the CAO/Clerk to confirm, rescind, or amend the restrictions (or maintained or modified restrictions).

POLICY REVIEW:

This policy will be reviewed every three (3) years or as required by applicable legislation.